

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a) Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation,)
)
Plaintiff,)
)
v.)
)
FEDERAL INSURANCE COMPANY,)
an Indiana corporation, and ACE)
AMERICAN INSURANCE)
COMPANY, a Pennsylvania)
corporation,)
)
Defendants.)

**DECLARATION OF HEATHER J. KLIBENSTEIN IN SUPPORT OF FAIR
ISAAC CORPORATION'S OPPOSITION TO MOTION TO STRIKE
PLAINTIFF'S JURY DEMAND ON DISGORGEMENT REMEDY**

I, Heather J. Kliebenstein, declare as follows:

1. I am a shareholder with Merchant & Gould P.C., and I am one of the attorneys of record for Plaintiff Fair Isaac Corporation in the above captioned matter.
2. I make this declaration on my own information, knowledge, and belief in support of Plaintiff's Opposition to Motion to Strike Plaintiff's Jury Demand on Disgorgement Remedy.
3. Attached hereto as Exhibit 1 is a true and correct copy of the excerpts of model jury instructions for the disgorgement of a copyright infringer's profits from the Seventh Circuit, Ninth Circuit, Eleventh Circuit, and American Bar Association.

4. Attached hereto as Exhibit 2 is a true and correct excerpt of the Expert Report of W. Christopher Bakewell Regarding Damages served on May 17, 2019. This document is filed UNDER SEAL.

5. Attached hereto as Exhibit 3 is a true and correct excerpt of the June 28, 2019 deposition of Federal's damages expert W. Christopher Bakewell. This document is filed UNDER SEAL.

Dated: July 17, 2019

/s/ Heather J. Kliebenstein
Heather J. Kliebenstein